Permit No. WA-003205-1
Issuance Date: January 31, 2005
Effective Date: February 1, 2005
Expiration Date: January 31, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-003205-1

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Brightwater Conveyance System Project
King County Department of Natural Resources and Parks
Wastewater Treatment Division
201 S. Jackson Street, Suite 503
Seattle, Washington 98104

Site Location: Four portals, Connector Segments, and 16 miles of underground tunnels from SR-9 and SR-522, west across King County and the Snohomish County/King County border to Point Wells on Puget Sound KING/SNOHOMISH COUNTIES	Industry Type: Construction Activity
Receiving Water: (i) Sammamish River (ii) Little Swamp Creek (iii) Lyon Creek (iv) Puget Sound	Water Body I.D. No.: (i) WA-08-1080 (ii) WA-08-1060 (iii) WA-08-1040 (iv) WA-PS-0230

is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

Discharge Locations:

(i) Conveyance Channel/Sammamish River (N. Creek Portal Site)

Outfall 001S/001G	Latitude:	N47-46-05
	Longitude:	W122-11-00

(ii) Little Swamp Creek/Swamp Creek (N. Kenmore Portal Site)

Outfall 002S/002G	Latitude:	N47-46-10
	Longitude:	W122-13-59

(iii) Lyon Creek (Ballinger Way Portal Site)

Outfall 003S/003G	Latitude:	N47-46-28
	Longitude:	W122-18-38

(iv) Puget Sound (Point Wells Portal Site)

Outfall 004S/004G	Latitude:	N47-46-45
	Longitude:	W122-23-46
Outfall 005S/005G	Latitude:	N47-46-43
	Longitude:	W122-23-42

(v) Sammamish River (North Creek Connector Segment)

Outfall 006S/006G	Latitude:	N47-46-04
	Longitude:	W122-11-05
Outfall 007S/007G	Latitude:	N47-46-02
	Longitude:	W122-11-05
Outfall 008S/008G	Latitude:	N47-46-00
	Longitude:	W122-11-05
Outfall 009S/009G	Latitude:	N47-46-00
	Longitude:	W122-11-06
Outfall 010S/010G	Latitude:	N47-45-59
	Longitude:	W122-11-05
Outfall 011S/011G	Latitude:	N47-45-59
	Longitude:	W122-11-04
Outfall 012S/012G	Latitude:	N47-45-57
	Longitude:	W122-11-03

Outfall 013S/013G	Latitude:	N47-45-57
	Longitude:	W122-11-04
Outfall 014S/014G	Latitude:	N47-45-55
	Longitude:	W122-11-03
Outfall 015S/015G	Latitude:	N47-45-55
	Longitude:	W122-11-02
Outfall 016S/016G	Latitude:	N47-45-52
	Longitude:	W122-11-02
Outfall 017S/017G	Latitude:	N47-45-50
	Longitude:	W122-11-00
Outfall 018S/018G	Latitude:	N47-45-48
	Longitude:	W122-10-59
Outfall 019S/019G	Latitude:	N47-45-47
	Longitude:	W122-11-02
Outfall 020S/020G	Latitude:	N47-45-45
	Longitude:	W122-11-05
Outfall 021S/021G	Latitude:	N47-45-46
	Longitude:	W122-11-03
Outfall 022S/022G	Latitude:	N47-45-47
	Longitude:	W122-11-02
Outfall 023S/023G	Latitude:	N47-45-47
	Longitude:	W122-11-00
Outfall 024S/024G	Latitude:	N47-45-48
	Longitude:	W122-10-59
Outfall 025S/025G	Latitude:	N47-45-45
	Longitude:	W122-11-05

(vi) Little Swamp Creek/Swamp Creek (Swamp Creek Connector Segment)

Outfall 026S/026G	Latitude:	N47-46-06
	Longitude:	W122-14-29
Outfall 027S/027G	Latitude:	N47-46-06
	Longitude:	W122-14-25
Outfall 028S/028G	Latitude:	N47-46-06
	Longitude:	W122-14-23
Outfall 029S/029G	Latitude:	N47-46-05
	Longitude:	W122-14-23
Outfall 030S/030G	Latitude:	N47-46-05
	Longitude:	W122-14-21
Outfall 031S/031G	Latitude:	N47-46-04
	Longitude:	W122-14-19
Outfall 032S/032G	Latitude:	N47-46-03
	Longitude:	W122-14-17
Outfall 033S/033G	Latitude:	N47-46-02
	Longitude:	W122-14-15

Outfall 034S/034G	Latitude:	N47-46-02
	Longitude:	W122-14-09
Outfall 035S/035G	Latitude:	N47-46-02
	Longitude:	W122-14-04
Outfall 036S/036G	Latitude:	N47-46-02
	Longitude:	W122-14-00
Outfall 037S/037G	Latitude:	N47-46-10
	Longitude:	W122-13-59

001S – Indicates Outfall 001 with discharge to surface water
001G - Indicates Outfall 001 with discharge to ground water

TABLE OF CONTENTS

GENERAL CONDITIONS

SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Construction Stormwater/Dewatering Monitoring Plan	Annually	Three (3) months prior to the start of construction
S3.B.	Annual Documentation of Soil Stabilization	Annually	November 1, 2005
S4.A.	Discharge Monitoring Report	Monthly	March 15, 2005
S6.B.	Stormwater Pollution Prevention Plan	Annually	Prior to the start of construction, then annually each March 1
G1.	Notice of Change in Authorization	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	July 31, 2009
S6.A.11.	Experimental BMP Request	As needed	Thirty (30) days prior to proposed use
S6.B.2.	SWPPP Monitoring Plan Modifications	As needed	Proposed revisions submitted at least thirty (30) days before implementation

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Authorized Discharges

This permit authorizes the discharge of stormwater and uncontaminated dewatering water associated with construction activities to waters of the state of Washington from the Brightwater Conveyance System construction project. A Stormwater Pollution Prevention Plan (SWPPP) for construction activity, including construction dewatering, shall be prepared, implemented, and be kept current to reflect the state of construction activities at the facilities at all times. The SWPPP shall include measures to prevent clean groundwater dewatering waters from entering the stormwater treatment system and thereby eliminating the possibility of hydraulically overloading the stormwater treatment system.

B. Process Wastewater, Domestic Wastewater

Process wastewater, and domestic wastewater, discharges to surface water are prohibited. Prohibited process wastewater discharges include, but are not limited to: truck wash water, tire bath wastewater, wheel wash water, equipment wash water, petroleum products, and chemical wastes.

This permit does not authorize illicit discharges, including spills of oil or hazardous substances, nor does it relieve entities from obligations under state and federal laws and regulations pertaining to those discharges.

The SWPPP shall include measures to prevent the addition of process water or domestic wastewater into stormwater and measures to verify that non-stormwater discharges do not enter the stormwater treatment system.

C. Stormwater and Uncontaminated Construction Dewatering

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater and uncontaminated dewatering water to waters of the state at the permitted locations subject to meeting the following limitations:

The below table applies to the North Creek Connector Segment, Swamp Creek Connector Segment, and all Portal Sites, except Point Wells:

EFFLUENT LIMITATIONS: DISCHARGES TO SURFACE WATER	
Parameter	**Maximum Daily[a]**
Turbidity[1]	Turbidity in the receiving water shall not exceed 5 nephelometric turbidity units (NTU) over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU
Turbidity (nonchemical treatment)[1]	50 NTU
Turbidity (chemical treatment)[1]	The maximum daily average shall not exceed 5 NTU.
Total Petroleum Hydrocarbons[2]	5 mg/L
pH	In the range of 6.5 to 8.5 standard units (freshwater), 7.0 to 8.5 (marine) standard units with a human-caused variation within a range of less than 0.2 units.
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
All discharges shall not cause a visible change in turbidity or color or cause visible oil sheens in the discharges or receiving water body.	
[1] The method detection level (MDL) for turbidity is 1 NTU using a turbidimeter and Method Number 180.1 from 40 CFR Part 136 or Standard Methods for the Examination of Water and Wastewater, 18th Edition, 2130.	
[2] The MDL for total petroleum hydrocarbons is 0.1 mg/L using Gas Chromatography and Flame Ionization Detector (FID) and Method Number WTPH-D Diesel (WTPH-D) from Washington State Department of Ecology Method WTPH-D. The quantitation level (QL) for TPH-D is 0.5 mg/L (5 x MDL).	

The below table applies to the North Creek Connector Segment, Swamp Creek Connector Segment and all Portal Sites, except Point Wells:

EFFLUENT LIMITATIONS: DISCHARGES TO GROUND WATER	
Parameter	**Maximum Daily[a]**
Total Petroleum Hydrocarbons	5 mg/L[1]
pH	In the range of 6.5 to 8.5 std. units
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
Prior to their use, on-site infiltration basins will require a soil suitability analysis to verify the adequacy of these soils for accepting turbid waters.	
[1] The point of compliance with the ground water quality standards shall be defined as any point within an unlined impoundment pond or other point of discharge to ground water.	

The below table applies to Point Wells Portal and on-shore work only:

EFFLUENT LIMITATIONS: DISCHARGES TO SURFACE WATER	
Parameter	**Maximum Daily[a]**
Turbidity[1]	Turbidity in the receiving water shall not exceed 5 nephelometric turbidity units (NTU) over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU
Turbidity (nonchemical treatment)[1]	50 NTU
Turbidity (chemical treatment)[1]	The maximum daily average shall not exceed 5 NTU.
pH	In the range of 6.5 to 8.5 standard units (freshwater), 7.0 to 8.5 (marine) standard units with a human-caused variation within a range of less than 0.2 units.
Benzene	5 µg/L
BTEX	100 µg/L
TPH-G	1 mg/L
TPH-D	10 mg/L
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.	
[1] The method detection level (MDL) for turbidity is 1 NTU using a turbidimeter and Method Number 180.1 from 40 CFR Part 136 or Standard Methods for the Examination of Water and Wastewater, 18th Edition, 2130.	

The below table applies to Point Wells Portal Site and on-shore work only:

EFFLUENT LIMITATIONS: DISCHARGES TO GROUND WATER	
Parameter	**Maximum Daily[a]**
Total Petroleum Hydrocarbons	5 mg/L[1]
pH	In the range of 7.0 to 8.5 standard units
Benzene	1 µg/L
BTEX	100 µg/L
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
Prior to their use, on-site infiltration basins will require a soil suitability analysis to verify the adequacy of these soils for accepting turbid waters. [1] The point of compliance with the ground water quality standards shall be defined as any point within an unlined impoundment pond or other point of discharge to ground water.	

S2. COMPLIANCE WITH STANDARDS

The Permittee shall comply with State of Washington Surface Water Quality Standards (Chapter 173-201A WAC), Sediment Management Standards (Chapter 173-204 WAC), Ground Water Quality Standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, December 22, 1992, pages 60848-60923).

When not in compliance with these standards, the Permittee shall take immediate action(s) to achieve compliance by implementing additional best management practices (BMPs) and/or improved maintenance of existing BMPs and file a noncompliance notification per Condition S4.E.

Facilities that discharge either directly or indirectly via a stormwater conveyance system to waters listed as impaired by the State under Section 303(d) of the Clean Water Act must comply with the State's water quality standards of the named pollutants.

S3. MONITORING REQUIREMENTS

A. Construction Stormwater/Dewatering Monitoring Plan

Stormwater monitoring shall be conducted per the approved Monitoring Plan. The Permittee shall submit a Monitoring Plan for stormwater and construction dewatering discharges to the Department for review and approval annually on or before October 1st. The purpose of the Monitoring Plan shall be to assess compliance with the water quality standards in each water body that will receive stormwater and/or dewatering water discharge during the following year.

B. Annual Documentation of Soil Stabilization

The Permittee shall provide photographic or video documentation of soil stabilization BMP implementation to the Department no later than November 1st of each year.

C. Monitoring Schedule

C.1 For discharges to surface waters from the North Creek Connector Segment, Swamp Creek Connector Segment and all Portal Sites (except Point Wells), the Permittee shall monitor stormwater and dewatering waters according to the following schedule:

Category	Parameter[4]	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Stormwater	Turbidity	NTU	Point of Discharge & Receiving Water[1]	Rain event[2]	Grab
Stormwater	Total Petroleum Hydrocarbons	Mg/L	Point of Discharge	When sheen visible on any pond	Grab
Stormwater	pH	Std. Units	Point of Discharge & Receiving Water[1]	Rain event[2]	Grab
Stormwater	Phosphorus[5]	Mg/L	Point of Discharge	Rain event[6]	Grab
Stormwater	Temperature[5]	ºC	Point of Discharge & Receiving Water[1]	Rain event[2, 3]	Grab
Dewatering Water	Dissolved Oxygen	Mg/L	Point of Discharge	Weekly	Grab

[1] Upstream and downstream of discharge point

[2] Within 24 hours of every 0.25-inch rainfall event, not to exceed 3 times per week

[3] Measured during the months of July-September only

[4] Unless otherwise noted, all of the parameters will be monitored from all of the portal sites

[5] Monitored for at the North Creek Connector Segment, Swamp Creek Connector Segment and all Portal Sites (except the Ballinger Way Portal and Point Wells Portal)

[6] Once per month, within 24 hours of a 0.25 inch rain event

C.2 For discharges to ground waters from the North Creek Connector Segment, Swamp Creek Connector Segment, and all Portal Sites (except Point Wells), the Permittee shall monitor stormwater and dewatering waters according to the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Stormwater/ Dewatering Waters	Total Petroleum Hydrocarbons	mg/L	Point of Discharge	When sheen visible on impoundment or discharge	Grab
Stormwater/ Dewatering Waters	pH	Standard Units	Point of Discharge	Weekly	Grab

C.3 For discharges to surface waters from the Point Wells Portal Site and on-shore environment, the Permittee shall monitor stormwater and dewatering waters according to the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Stormwater	Turbidity	NTU	Point of Discharge & Receiving Water[1]	Rain event[2]	Grab
Stormwater	pH	Standard Units	Point of Discharge & Receiving Water[1]	Rain event[2]	Grab
Dewatering Waters	Benzene	µg/l	Point of Discharge	Monthly	Grab
Dewatering Waters	BTEX	µg/L	Point of Discharge	Monthly	Grab
Dewatering Waters	TPH-G	Mg/L	Point of Discharge	Monthly	Grab
Dewatering Waters	TPH-D	Mg/L	Point of Discharge	Monthly	Grab
Dewatering Waters	Lead	Mg/L	Point of Discharge	Monthly	Grab

[1] Upstream and downstream of discharge point

[2] Within 24 hours of every 0.25-inch rainfall event, not to exceed 3 times per week

C.4 For discharges to ground waters, from the Point Wells Portal and on-shore environment, the Permittee shall monitor stormwater and dewatering waters according to the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Stormwater/ Dewatering Waters	TPH	mg/L	Point of Discharge	Monthly	Grab
Stormwater/ Dewatering Waters	Benzene	µg/L	Point of Discharge	Monthly	Grab
Stormwater/ Dewatering Waters	pH	Standard Units	Point of Discharge	Weekly	Grab
Stormwater/ Dewatering Waters	BTEX	µg/L	Point of Discharge	Monthly	Grab

D. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, turbidity, conductivity, pH, and internal process control parameters are exempt from this requirement.

S4. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190 – 160th Avenue SE, Bellevue, WA 98008-5452.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S3 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within five (5) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed, written report to the Department within five (5) days. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S6. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR CONSTRUCTION ACTIVITIES

A SWPPP for construction activity, including construction dewatering, shall be prepared, implemented, and updated to reflect current stage of construction activity. The SWPPP for each portal site or facility or new phase of construction shall be kept current, updated as necessary, and submitted to the Department upon request. Construction activities included in this requirement include clearing, grading, filling, and excavation activities.

A. General Requirements

1. The SWPPP and all of its modifications shall be signed in accordance with General Condition G.1.B. In addition, the SWPPP shall be stamped by a Professional Engineer certified by the State of Washington, or an engineer who is an erosion and sediment control specialist.

2. The SWPPP shall be retained on-site or within reasonable access to the site and be made available upon request.

3. The Permittee shall be responsible for the implementation of the SWPPP. At construction sites for which a lease, easement, or other use agreement has been obtained by the Permittee, the Permittee shall be responsible for the implementation of a SWPPP.

4. The Permittee shall implement procedures for reviewing the SWPPP with contractors and subcontractors prior to initiating construction activities. The Permittee shall implement procedures for addressing changes in plans and construction activities and resolving disagreements on the interpretation of the SWPPP.

5. The Permittee shall designate a contact person who will be available 24 hours a day to respond to emergencies, and to inquiries or directives from the Department. The contact person shall have authority over the SWPPP implementation. A qualified construction pollution control officer, as approved by Ecology, shall be established to advise on and determine compliance with the SWPPP and the applicable water quality standards. The name shall be listed in the SWPPP. While the Permittee is ultimately responsible for the implementation of the SWPPP, both the Permittee and the contractor/subcontractor may be held liable for violations of the permit conditions and/or the water quality standards.

6. The Permittee shall retain the SWPPP and copies of inspection reports and all other reports required by this permit for at least three (3) years after the date of final stabilization of the construction site. The Permittee shall make these documents available upon request.

7. Reports on incidents, such as discharge of spills and other noncompliance notification, shall be included in the records.

8. A rain gauge shall be installed and maintained at the project with rainfall data logged daily.

9. Modifications:

   a. The Department may notify the Permittee when the SWPPP does not meet one or more of the requirements of this special condition. Upon notification by the Department, the Permittee shall take appropriate action(s) to come into compliance with this special condition. These SWPPP modifications shall be submitted to the Department for review, within thirty (30) days.

   b. The Permittee shall implement SWPPP and BMP modifications as directed by the Department if compliance with State of Washington Surface Water Quality Standards (Chapter 173-201A WAC), Sediment Management Standards (Chapter 173-204 WAC), Ground Water Quality Standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923) is not being achieved.

   c. The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling pollutants.

   d. Whenever a self-inspection reveals that the description of pollutant sources or the BMPs identified in the SWPPP are inadequate due to the actual discharge of, or potential to discharge, a significant amount of any pollutant, the SWPPP shall be modified as appropriate. The Permittee shall provide for implementation of any modifications to the SWPPP within fourteen (14) days.

10. BMPs shall be selected from Ecology's August 2001 *Stormwater Management Manual for Western Washington* (*SWMM*) or equivalent.

11. The Permittee may request in writing that the Department approve the use of an experimental BMP, such as chemical treatment. The request shall be submitted to the Department at least thirty (30) days prior to the proposed use of the experimental BMP. The request shall include, but need not be limited to, a description of:

    a. The experimental BMP;

    b. Why the experimental BMP is being requested;

c. Why the BMPs in the *SWMM* are not adequate;

d. Applicable construction techniques;

e. The characteristics of the site or sites at which use of the experimental BMP is proposed;

f. Bench test data which cites the optimum polymer dosage rate to achieve colloidal capture at a range of anticipated turbidities and the aquatic toxicity of treated storm water on Daphnia and on salmonid fishes is required. Effectiveness should be determined by bench testing using soils and water from the site. Whole effluent toxicity shall be determined by the use of Standard Methods for the Examination of Water and Wastewater, Methods 8-10B and 8-04B, except temperature is ambient.

g. Engineering description of the chemical feed systems and operations and maintenance procedures. Design criteria for the experimental BMP and the expected results;

h. Maintenance procedures;

i. Cost estimates;

j. Monitoring procedures and duration; and

k. If appropriate, an approved BMP that could be used if the experimental BMP fails.

12. The Permittee shall document the use of any chemicals used to treat waters discharged to waters of the state, or used to stabilize soils. Documentation shall identify the chemicals or polymers used, their commercial source, the material safety data sheet, quantities of chemicals used, quantities of water treated, dosage rates, process changes, observations and inspections of the system. The Permittee shall maintain a daily log and retain this information on site or within reasonable access to the site and make it immediately available, upon request, to Ecology. Chemicals used to enhance solids settling before discharge to surface water or to stabilize soils must be applied according to the manufacturer's instructions and only if the toxicity to aquatic organisms is known. Discharge of toxics in toxic amount is strictly prohibited. Chemicals may only be used to stabilize soils if the stormwater from the chemical application area is routed to and treated by a stormwater detention pond. In addition, chemical treatment/soil stabilization shall be consistent with Ecology's Stormwater Management Manuals.

Spill prevention, control, and contingencies in the SWPPP should include specifics for the polymer and neutralizer.

B. SWPPP Contents and Requirements

The SWPPP shall consist of and make provision for the following:

1. An Erosion and Sediment Control Plan:

The Erosion and Sediment Control Plan shall describe stabilization and structural practices, both of which shall be implemented to minimize erosion and the transport of sediments.

a. Stabilization Practices

The Erosion and Sediment Control Plan shall include a description of stabilization BMPs, including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, commercially available soil stabilization products, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased.

The plan shall ensure that the following requirements are satisfied:

i) All exposed and unworked soils shall be stabilized by suitable and timely application of BMPs. From October 1 to April 30, no soils shall remain unstabilized for more than two (2) days. From May 1 to September 30, no soils shall remain unstabilized for more than seven (7) days.

ii) Existing vegetation should be preserved whenever possible. Areas which are not to be disturbed, including setbacks, sensitive/critical areas and their buffers, trees and drainage courses, shall be fenced or flagged on site before construction activities are initiated. These areas should not be harmed when measures under the SWPPP and/or construction activities are undertaken.

iii) Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes shall be stabilized in accordance with the requirements of this subsection.

iv) Stabilization adequate to prevent erosion of outlets and adjacent stream banks shall be provided at the outlets of all conveyance systems.

v) All storm drain inlets made operable during construction shall be provided with adequate inlet protection and be properly maintained.

vi) Any and all use of polyacrylamides (PAM) for soil erosion protection shall be consistent with BMP C126 in Chapter 4, Volume II, of Ecology's *SWMM*.

vii) Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto a road surface, the roads adjacent to the construction site shall be cleaned on a regular basis. Street washing shall be allowed only after other methods to prevent the transport or removal of the sediments are unsuccessful. Street wash water may not be discharged to the stormwater system.

viii) All wheel washes must meet the design criteria of BMP C106 in Chapter 4, Volume II, of Ecology's *SWMM*.

b. Structural Practices

In addition to stabilization practices, the Erosion and Sediment Control Plan shall include a description of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act.

The plan shall ensure that the following requirements are satisfied:

i) Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.

ii) Properties adjacent to the project site shall be protected from sediment deposition.

iii) Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before other land disturbing activities take place. Earthen structures used for sediment control, such as dams, dikes, and diversions, shall be stabilized as soon as possible.

iv) Properties and waterways downstream from the construction site shall be protected from erosion due to increases in volume, velocity, and peak flow of stormwater runoff from the project site. The stormwater discharge rate shall not exceed 50% of the predevelopment peak flow rate for the 2-year, 24-hour storm, and shall maintain the existing condition peak runoff rate for the 10-year, 24-hour and the 100-year, 24-hour design storms. If local requirements are more stringent, then the Permittee shall comply with the local requirements.

v) All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.

c. Inspection and Maintenance

All BMPs shall be inspected, maintained, and repaired as needed to assure continued performance of their intended function. All on-site erosion and sediment control measures shall be inspected daily when construction is occurring and within 24 hours after any storm event of greater than 0.25 inches of rain per 24-hour period.

Discharges via a stormwater system to waters of the state shall require that all catch basins downstream of the discharge be vactored annually prior to October 1.

d. Recordkeeping

Reports summarizing the scope of inspections, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP.

e. Format

The Erosion and Sediment Control Plan shall consist of two parts: a narrative and a set of site plans. The Permittee may refer to Chapter 3, Volume II, of Ecology's *SWMM* for guidance on the content and format.

2. Construction Stormwater/Dewatering Monitoring Plan

The SWPPP shall contain a detailed monitoring plan, including monitoring of discharges and the receiving water. The monitoring plan shall include sampling upstream and downstream of discharge points sufficient to evaluate compliance with all relevant water quality standards. The plan shall specify all sampling locations, parameters, and frequencies.

The plan shall also include a requirement that monitoring be conducted daily after a violation is documented until three (3) consecutive daily samples show the discharge(s) is back in compliance.

In the event the Permittee wants to modify the monitoring plan, proposed revisions shall be submitted to the Department **at least thirty (30) days before** implementing the revision.

3. Control of Pollutants Other Than Sediment on Construction Sites

All pollutants that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of storm water or ground water. At all times, stormwater or dewatering discharges must meet all surface water quality and groundwater quality standards. A Spill Prevention and Emergency Cleanup Plan shall be included as a section in the SWPPP. BMPs for Spills of Oil and Hazardous Substances in Chapter 2 of Volume IV of Ecology's *SWMM* shall be used for guidance in developing this plan.

During excavation activities, if excavated soils exhibit a sheen or unusual odor, indicative of possible soil contamination, the excavation activity will be immediately halted and the soil tested. If the testing confirms the presence of contaminated soils, then these soils will be disposed of in accordance with Ecology's standards.

Solid chemicals, chemical solutions, paints, petroleum products, solvents, acids, caustic solutions and waste materials, including used batteries, shall be stored in a manner which will prevent the inadvertent entry of these materials into waters of the state, including ground water. Storage shall be in a manner that will prevent spills due to overfilling, tipping, or rupture. In addition, the following practices shall be used:

a. All liquid products shall be stored on durable impervious surfaces and within bermed containment capable of containing 110% of the largest single container in the storage area. Reasonable steps shall be taken to prevent releases of liquid products from malicious tampering or vandalism.

b. Waste liquids shall be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, shall be clearly designated as such and kept segregated from new product storage.

4. Coordination with Local Requirements

This permit does not relieve the Permittee of compliance with any more stringent requirements of local government.

S7. PARTIAL TRANSFERS SUBJECT TO COMMON PLAN OF DEVELOPMENT

The Permittee shall provide a copy of this permit, and any modifications required by the Department, to any subsequent owner or operator within the property. This permit shall apply to all subsequent construction activity on any portion of the property covered by this permit, even if the construction activity is performed by a subsequent owner or operator. The Permittee shall be responsible for permit compliance, and shall be liable for any noncompliance with this permit, for all construction activity on the property covered by this permit, even if the construction activity is performed by a subsequent owner or operator. If the Permittee transfers any of the property that is covered by this permit, the Permittee shall ensure that it retains the right to access the transferred property in order to take any corrective actions the Department may order in response to any permit noncompliance or violations.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship, or in the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G6. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred and eighty (180) days prior to the specified expiration date of this permit.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B, below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G9. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G10. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G11. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G12. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G13. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G14. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G15. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G16. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G17. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G18. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G19. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G20. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G21. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.